

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 12, 2011
POSITION: Oppose

BILL NUMBER: SB 919
AUTHOR: T. Lieu

BILL SUMMARY: School Safety: Sexting

This bill would define "sexting" as the dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act with the intent to humiliate or harass. Further, this bill would add sexting to the list of offenses for which a pupil may be suspended or recommended for expulsion, and also add it as a topic for school safety training purposes.

FISCAL SUMMARY

This bill could create minor state operations cost pressure for the Superintendent of Public Instruction (SPI) and the Attorney General (AG) to update curriculum and materials for school safety training programs currently required by existing statute to reflect the addition of sexting as a topic.

COMMENTS

The Department of Finance is opposed to this bill because it could create minor state operations cost pressure on the General Fund. Furthermore, there is nothing in current law that would prohibit the topic of sexting from being addressed in school safety training programs or considered by school officials in suspension and expulsion decisions because the existing definition of bullying by means of an electronic act is already broad enough to include it. We also note this bill could have chaptering issues with several other bills proposed regarding the prevention of bullying that would amend similar sections of law, including AB 746 (Chaptered on July 8, 2011) and AB 1156 (in Senate Appropriations Committee).

Education Code section 32261 defines an "electronic act" for the purposes of the Interagency School Safety Demonstration Act of 1985, as "the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager."

Adding the definition of sexting could affect the following requirements within the Interagency School Safety Demonstration Act of 1985:

- The SPI and the AG must co-sponsor conferences to local education agencies and other entities on effective strategies to reduce school crime. Bullying by means of an electronic act is included in a list of topics that the conferences *may* include.
- The SPI and the AG are also required to jointly establish and train a statewide cadre of school safety professionals to facilitate interagency coordination and collaboration to improve school safety, including the reduction of bullying.

Therefore, this bill could put pressure on the SPI and the AG to revise training curriculum and materials to specifically address the addition of sexting, possibly creating minor state operations costs.

Analyst/Principal (0350) L. Del Castillo	Date	Program Budget Manager Nick Schweizer	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS	Form DF-43 (Rev 03/95 Buff)
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T. Lieu

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SB 919

Existing law (Education Code section 48900) allows a school principal or superintendent to suspend a student or recommend a student for expulsion for various specified offenses, including bullying by means of an electronic act. However, this bill would have little effect on suspensions and expulsions because the existing definition is already broad enough to include sexting.

The following is a list of related bills in the current session:

- AB 746 (Campos) would amend the definition of bullying by means of an electronic act to expressly include the posting of messages on a social network Internet website. (Chaptered on July 8, 2011.)
- AB 1156 (Eng) would expand the definition of bullying to include specific acts such as severe or pervasive physical or verbal conduct, communications made in writing, and other acts that can be reasonably predicted to have negative effects on a pupil. (In Senate Appropriations Committee.)
- AB 9 (Ammiano) would require local educational agencies to prohibit discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics, as specified, and would make other conforming changes. (On Senate Appropriations Committee suspense file.)
- AB 227 (Hall) would add cyber bullying prevention and other related topics to the components that are required to be included in existing guidelines and criteria for developing school district educational technology plans. (On Senate Appropriations Committee suspense file.)
- AB 630 (Hueso) would encourage schools to reduce bullying through training with appropriate activities and best practice methodologies. (Held in Assembly Education Committee.)
- SB 453 (Correa) would define bullying to include acts motivated by specified actual or perceived characteristics of the victim and would encourage comprehensive school safety plans to address bullying, as specified. (Held under submission in Senate Appropriations Committee.)

Chapter 646, Statutes of 2008 (AB 86), defined an "electronic act" as the transmission of a communication by means of an electronic device, including, but not limited to, a message, text, sound, or image by a telephone, wireless telephone, or other wireless communication device, computer, or pager. AB 86 also defined "bullying" as an act that constitutes sexual harassment, hate violence, severe or pervasive harassment, threats, or intimidation that is directed against school district personnel or other students.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO	PROP								
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014		
6110/Dept of Educ	LA	Yes	-----	See Fiscal Summary			-----		0001	